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COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Eleventh session

SUMMARY RECORD OF THE 203rd MEETING

Held at Headquarters, New York,
on Wednesday, 29 January 1992, at 3 p.m.

Chairperson: Ms. TALLAWY

CONTENTS

Organization of work (continued)

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The meeting was called to order at 3.25 p.m.

ORGANIZATION OF WORK (continued)

Draft report of Working Group II (continued) (CEDAW/C/WG.II/1992/WP.12)

Paragraph 6

1. Ms. OESER, supported by Ms. EVATT, said that she agreed with the proposal before the Committee to retain only the first sentence of paragraph 6.

2. Ms. NIKOLAEVA said that she did not agree with the proposed deletion of the second and third sentences of paragraph 6, given the importance of reflecting the Committee's position on the question of violence against women.

3. Ms. EVATT said that since no consensus had emerged concerning the retention of the second and third sentences of paragraph 6, they should be deleted.

4. Ms. NIKOLAEVA said that, in that case, she withdrew her objection.

5. The CHAIRPERSON proposed that paragraph 6 should be amended by deleting the second and third sentences.

6. Paragraph 6, as amended, was adopted.

Paragraph 7

7. Paragraph 7 was adopted.

Paragraph 8

8. The CHAIRPERSON invited members, in preparation for the Committee's twelfth session, to assume responsibility for preparing draft general comments on the various articles of the Convention, explaining the rights protected thereunder.

9. Ms. AOUIJ undertook to prepare draft general comments on article 6, in consultation with Ms. Bustelo Garcia del Real and Ms. QUINTOS-DELES undertook to prepare comments on article 16, in consultation with Ms. Alfonsin de Fasán.

10. Ms. ABAKA and Ms. WALLA-TCHANGAI undertook to prepare draft general comments on article 12.

11. Ms. FORDE agreed to prepare draft general comments on article 15.

12. Ms. UKEJE undertook to prepare draft comments on articles 4 and 9, in consultation with Ms. Schöpp-Schilling and Ms. Aouij respectively.

13. Ms. BERNARD said that she would prepare draft comments on articles 15 and 16, in consultation with Ms. Forde.

14. Ms. NIKOLAEVA asked whether it was intended to discuss the draft general comments on each article at the twelfth session. If so, the exercise would take up the whole session. It would be better to concentrate on a few articles only.

15. The CHAIRPERSON said that it was important for the Committee to catch up on the work of preparing general comments and observations on the rights set forth in each article of the Convention, a task which had already been undertaken by other human rights bodies in respect of the relevant conventions. The aim was to assist States parties and thereby improve the reporting system, as well as to provide more information to Governments and other interested parties. It would, of course, not be practicable to take up all the draft comments at a single session, but the very fact of preparing the draft comments would be of value.

16. Ms. NIKOLAEVA and Ms. LAIOU-ANTONIOU undertook to prepare draft comments on articles 11 and 15 respectively.

17. Ms. OESER undertook to prepare draft comments on articles 4 and 11 at a later stage.

18. Ms. ILIC said that it was not necessary at the current session for the Committee to assign every article to specific members; some articles could be dealt with at subsequent sessions.

19. Ms. UKEJE and Ms. BERNARD agreed to prepare comments on article 2.

20. The CHAIRPERSON said that paragraph 8 would be revised to reflect the commitments assumed by members in terms of preparing draft general comments on the various articles of the Convention.

21. Paragraph 8, as orally revised, was adopted.

Paragraphs 9 and 10

22. Paragraphs 9 and 10 were adopted.

Annex I

Paragraph 1

23. Paragraph 1 was adopted.

Paragraph 2

24. Ms. EVATT said that there was no need to reproduce in paragraph 2 the text of Recommendation 12 adopted at the eighth session. It would suffice simply to make reference to that recommendation.

25. The CHAIRPERSON said that the paragraph would be revised to refer to the recommendation without reproducing its text.

26. Paragraph 2, as orally revised, was adopted.

Paragraphs 3 to 5

27. Paragraphs 3 to 5 were adopted.

Paragraphs 6 to 8

28. Ms. LAIOU-ANTONIOU asked whether the expression "mental violence" in paragraph 8 included psychological violence. If not, she thought that the word "psychological" should be added.

29. The CHAIRPERSON said that the issue had been discussed in the Working Group, which had decided that the expression included both mental and psychological violence.

30. Paragraphs 6, 7 and 8 were adopted.

Paragraph 9

31. Ms. ABAKA said that violence against women was an ongoing, serious problem of which the international community was increasingly aware, and one that included psychological and mental violence. Ghana, in its periodic reports, had described women's crushing workload in both urban and traditional environments, and such a workload was common in many other countries. The Committee should recognize the grave economic hardships faced by women in developing countries as a form of violence caused by poverty, debt and deprivation.

32. Ms. UKEJE welcomed Ms. Abaka's comments but thought that the reference to economic hardship should be added as a separate paragraph so as to stand out from the rest of the text.

33. Ms. LAIOU-ANTONIOU also welcomed Ms. Abaka's statement, but pointed out that the paragraph dealt with gender-based violence, whereas poverty, debt and deprivation also affected men. Her point was well taken, but should perhaps be developed in a more appropriate place.

34. Ms. WALLA-TCHANGAI agreed with Ms. Laiou-Antoniou but said that where a woman's excessive workload was caused by her partner's abdication of his responsibilities, that could be considered gender-based discrimination and psychological violence.

35. After a brief discussion, during which the CHAIRPERSON, Ms. CORTI and Ms. WALLA-TCHANGAI supported Ms. LAIOU-ANTONIOU's comments, the CHAIRPERSON asked for and obtained Ms. Abaka's consent for her comments to be reserved for a more appropriate section of the Committee's report.

36. Paragraph 9 was adopted.

Paragraphs 10 to 18

37. Paragraphs 10 to 18 were adopted.

Paragraphs 19 to 22

38. Ms. BUSTELO GARCIA del REAL suggested that the formulation of the second sentence of paragraph 19 was not strong enough. Instead of saying that prostitution and trafficking in women were "often associated with" violence against women, the paragraph should read that they were "very often accompanied by" such violence.

39. Ms. EVATT suggested that the second sentence of paragraph 19 was not even necessary.

40. The CHAIRPERSON proposed that the Committee should provisionally adopt the wording suggested by Ms. Bustelo Garcia del Real.

41. Ms. LAIOU-ANTONIOU said that an increase in prostitution and trafficking in women was seen not only in conditions of poverty and unemployment but also in time of war. She therefore proposed that the word "war" should be added in the first line of paragraph 20 before the words "Poverty and unemployment".

42. After a brief discussion of the acceptability of Ms. Laiou-Antoniou's proposal, Ms. SCHOPP-SCHILLING instead proposed a new paragraph 22 expressing the point that war and the occupation of territories could also lead to an increase in prostitution and trafficking in women. That paragraph would follow paragraph 21. Since the two situations evoked were quite different, separate paragraphs were needed.

43. Ms. EVATT and Ms. CORTI supported Ms. Schöpp-Schilling's suggestion. After some discussion, the new paragraph proposed by Ms. Schöpp-Schilling was revised to read: "War, armed conflict and occupation of territories increase prostitution, trafficking and sexual assault on women. Specific measures are required to address these cases."

44. Ms. CORTI said that the phrase in paragraph 20 "These practices are incompatible with the equal enjoyment of rights" was wide of the mark. It should be replaced by some formulation such as "These practices are incompatible with respect for human rights and the dignity of persons".

45. The CHAIRPERSON acknowledged the importance of the proposed amendment, but thought that the concept of incompatibility with the equal enjoyment of rights should not be eliminated. Rather, the notion of incompatibility with respect for human rights and human dignity should be added.

46. After a brief discussion in which the CHAIRPERSON, Ms. BERNARD and Ms. CORTI took part, the CHAIRPERSON noted that the Committee accepted the idea of adding to the sentence in question a phrase to the effect that such practices were also incompatible with respect for human rights and the dignity of persons. The precise wording would be established by the Secretariat.

47. Ms. BRAVO NUÑEZ DE RAMSEY referred to the term "unlawful status" in paragraph 21 and noted that prostitution was not illegal in all countries. The final sentence of the paragraph should indicate that, even beyond equal protection, prostitutes needed special protection against rape and other forms of violence.

48. The CHAIRPERSON said that, if she understood correctly, Ms. Bravo Nuñez de Ramsey was suggesting that the words "equal protection" should be replaced by "special protection".

49. Ms. EVATT noted that, in many countries, prostitutes did not even enjoy equal protection, as rape of a prostitute was classified as a less serious offence carrying a lesser penalty. It was therefore important to retain the reference to equal protection and, if necessary, add a reference to special protective measures.

50. Ms. AOUIJ said that "equal protection of laws" was sufficient. A special law would only marginalize prostitutes further.

51. The CHAIRPERSON said that "equal protection of laws" was clear. The addition of "special measures" would be out of context in a sentence that discussed laws.

52. Ms. BRAVO NUÑEZ DE RAMSEY said that, in fact, the sentence referred not to laws but rather to the idea of protection. As a vulnerable sector of the population, prostitutes required special protection.

53. Ms. EVATT pointed out that paragraph 22 actually spelled out protective measures. Perhaps a brief reference to protective measures other than legal measures could be incorporated in paragraph 21.

54. Ms. LAIOU-ANTONIOU questioned the wisdom of adding language on special protective measures for prostitutes without mentioning other vulnerable groups. It would be better to leave the paragraph as it was.

55. Ms. CORTI added that many of the concerns being expressed were already addressed under II. "Measures necessary to overcome violence" at the end of the document.

56. The CHAIRPERSON said that she took it that paragraph 21 would not be changed.

57. It was so decided.

58. Paragraphs 19 to 22, as orally revised, were adopted.

Paragraphs 23 to 25

59. Ms. NIKOLAEVA asked why the meaning of "sexual harassment" had to be spelled out in paragraph 24 when it was already discussed elsewhere. Perhaps paragraph 24 could be deleted and paragraphs 23 and 25 could be combined into a single paragraph.

60. Ms. SCHOPP-SCHILLING disagreed. It was important to include a definition of sexual harassment as most Member States did not fully understand the concept.

61. Ms. EVATT added that the definition of sexual harassment had been drafted with the assistance of the International Labour Organisation (ILO). That was a good reason to retain it.

62. The CHAIRPERSON said that the questions had been discussed at length in Working Group II. In the end, a detailed definition had been included in order to avoid requests for the drafting of a separate convention on violence against women.

63. Ms. LAIOU-ANTONIOU agreed that the definition should be retained in view of the ILO input and the fact that it brought up the relatively new issue of health problems resulting from sexual harassment.

64. Paragraphs 23 to 25 were adopted.

Paragraphs 26 to 29

65. Ms. UKEJE asked why the words "and lives" in paragraph 26 were in parentheses, since violence did put womens' lives at risk.

66. Ms. EVATT said that the parentheses might have been added for emphasis but that, in any case, they should be deleted.

67. Paragraphs 26 to 29, as orally revised, were adopted.

Paragraphs 30 and 31

68. Paragraphs 30 and 31 were adopted.

Paragraphs 32 and 33

69. Ms. UKEJE suggested that "mental violence" should be added to the forms of violence enumerated in the second sentence of paragraph 32.

70. Ms. WALLA-TCHANGAI said that the sentence should also mention abdication by the father of his family responsibilities in difficult economic situations. The father's abdication of his responsibilities was the kind of psychological violence to which Ms. Abaka had referred earlier.

71. Ms. EVATT said that she would be pleased to add a sentence to that effect.

72. Ms. CHAFIKA MESLEM (Representative of the Secretary-General) referred to the enumeration of measures to overcome family violence in paragraph 32 of the English version and paragraph 33 of the French. In the second measure relating to legislation to remove the defence of honour, the words "of a spouse" should be replaced by "of a female member of the family". That formulation would encompass the spouse, a daughter, a mother or a female relative.

73. It was so decided.

Measures necessary to overcome violence

74. Paragraphs 32 and 33, as orally revised, were adopted.

75. Section II on measures necessary to overcome violence was adopted.

Annex II

76. Annex II, containing the decision of the Committee on reservations to the Convention and its General Recommendation concerning reservations, was adopted.

77. The CHAIRPERSON thanked the members of Working Group II and Ms. Evatt, who had served as Coordinator, for producing a set of recommendations on violence that would set a precedent for the Committee's future work. She also wished to thank Ms. Oeser for her research on past recommendations and international law in drafting annex II.

78. Ms. EVATT thanked members of Working Group II and expressed appreciation for the valuable assistance provided by the International League for Human Rights.

The meeting rose at 5.40 p.m.